

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

U.S. DISTRICT COURT  
SAVANNAH DIV.  
2017 JAN -3 AM 9:51  
SO. DIST. OF GA.

FRANK JOSEPH SCHWINDLER,

Petitioner,

v.

AHMED HOLT, Warden

Respondent.

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CV416-189

**ORDER**

On November 18, 2016, the Court directed the State to respond to petitioner's Motion to Transfer. Doc. 10. When no response was filed, petitioner filed a "Request for Order Transferring Case to Northern District." Doc. 11. However, due to clerical error, the Court's original Order was never served on the State. Since it was never served, its failure to respond is not, as petitioner suggests, "acquiescence to the transfer." *Id.* Accordingly, petitioner's "Request," doc. 11, is **DENIED**.

Beginning December 1, 2015, the Attorney General for the State of Georgia has agreed to accept electronic service of § 2254 petitions on behalf of respondents, effective upon the entry of an Order directing a

response to the petition. See MC415-022 (General Order entered Dec. 3, 2015, with attached Memorandum of Understanding between this Court and the Georgia Attorney General). Pursuant to that agreement, the Clerk is **DIRECTED** to serve the State with a copy of this Order, and the State is should respond to petitioner's transfer motion (doc. 8) within 21 days of the date this Order is served.

**SO ORDERED**, this 3<sup>rd</sup> day of January, 2017.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA